

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT &amp; TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

10797

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.  
(if known, sec 37 C.F.R. 1.5)  
09/701,243

*JH 11*

INTERNATIONAL APPLICATION NO.  
PCT/FR99/01247

INTERNATIONAL FILING DATE  
May 27, 1999

PRIORITY DATE CLAIMED  
May 27, 1998

TITLE OF INVENTION  
METHOD FOR AMPLIFYING AT LEAST ONE SPECIFIC NUCLEOTIDE SEQUENCE, AND PRIMERS USED

APPLICANTS FOR DO/EO/US  
Bruno MOUGIN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☒ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ Entitlement to small entity status is hereby asserted.
17. ☒ Other items or information: Copy of Notification of Defective Response and Sequence Listing (paper and computer-readable copies).

U.S. APPLICATION NO. (if known, see C.F.R. 1.5) 09/701,243	INTERNATIONAL APPLICATION NO. PCT/FR99/01247	ATTORNEY'S DOCKET NUMBER 15-076
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17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO ....\$890.00  International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$710.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,040.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>																																																																		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	\$																																																																			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																																																																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:20%;">Number Extra</th> <th style="width:20%;">Rate</th> <th style="width:20%;"></th> <th style="width:20%;"></th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> <td>\$</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 84.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td style="text-align: center;">+ \$280.00</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable.</td> <td style="text-align: center;">-</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: center;">+</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Amount to be refunded</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Charged</td> <td>\$</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate			Total Claims	- 20 =		X \$ 18.00	\$		Independent Claims	- 3 =		X \$ 84.00	\$		Multiple dependent claim(s)(if applicable)			+ \$280.00	\$		<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$		Reduction by 1/2 for filing by small entity, if applicable.				-	\$	<b>SUBTOTAL =</b>				\$		Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$	<b>TOTAL NATIONAL FEE =</b>				\$						Amount to be refunded	\$					Charged	\$		
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Independent Claims	- 3 =		X \$ 84.00	\$																																																																
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				Charged	\$																																																															

a. <input type="checkbox"/> Check No. _____ in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed.	<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status</b></p> <p>SEND ALL CORRESPONDENCE TO:          OLIFF &amp; BERRIDGE, PLC          P.O. Box 19928          Alexandria, Virginia 22320</p> <p>Date: <u>December 18, 2002</u></p>
---	--

NAME: William P. Berridge  
 REGISTRATION NUMBER: 30,024  
  

 NAME: Philip A. Caramanica, Jr.  
 REGISTRATION NUMBER: 51,528

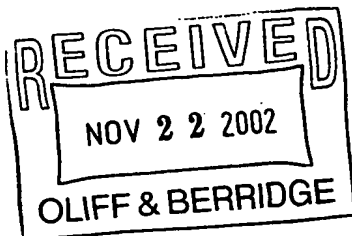


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/701,243	Bruno Mougin	107976

Oliff & Berridge  
 PO Box 19928  
 Alexandria, VA 22320



INTERNATIONAL APPLICATION NO.	
PCT/FR99/01247	
I.A. FILING DATE	PRIORITY DATE
05/27/1999	03/27/1998

CONFIRMATION NO. 7333  
 371 FORMALITIES LETTER



\*OC000000009105456\*

DUE DATE

DEC 18 2002

Date Mailed: 11/18/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Small Entity Statement

**DOCKETED**  
 By MPX on 11/22 2002  
 and  
 By GXM on 11/22 2002  
**Oliff & Berridge**

Applicant's response filed 12/28/2000 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/01/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

- **APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

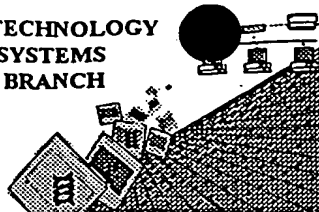
*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/701,243	PCT/FR99/01247	107976



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application-Serial Number: 09/701,243  
Source: OLPE  
Date Processed by STIC: 8/5/2002

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER  
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



OIPE

## RAW SEQUENCE LISTING

DATE: 08/05/2002

PATENT APPLICATION: US/09/701,243,

TIME: 11:43:13

Input Set : A:\EP.txt

Output Set: N:\CRF4\08052002\I701243.raw

3 <110> APPLICANT: MOUGIN, Bruno  
 4 LAAYOUN, Ali  
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 SEQUENCE, AND  
 7 PRIMERS USED  
 9 <130> FILE REFERENCE: 107976  
 11 <140> CURRENT APPLICATION NUMBER: US 09/701,243  
 12 <141> CURRENT FILING DATE: 2000-12-28  
 14 <150> PRIOR APPLICATION NUMBER: PCT/FR99/01247  
 15 <151> PRIOR FILING DATE: 1999-05-27  
 17 <150> PRIOR APPLICATION NUMBER: FR 98/06866  
 18 <151> PRIOR FILING DATE: 1998-05-27  
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 63 cccccagca cgtttcttgg agct 24  
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Does Not Comply  
 Corrected Diskette Needed

*pa 1-5*

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/701,243

DATE: 05/2002  
TIME: 11:43:13

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24

26

21

24

*\*g can only represent itself (guanine)  
nothing else. Use 'n' instead,  
and explain in  
<2207-2223>  
26 section*

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/701,243

DATE: 05/2002  
TIME: 11:43:13

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RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/701,243

DATE: 05/2002  
TIME: 11:43:13

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RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/701,243

DATE: 5/2002  
TIME: 11:43:13

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322 <222> LOCATION: (10)..(10)  
323 <223> OTHER INFORMATION: G means inosine (1) *same*  
326 <220> FEATURE:  
> 327 <221> NAME/KEY: particular characteristic  
328 <222> LOCATION: (25)..(25)  
329 <223> OTHER INFORMATION: G means inosine (1)  
332 <400> SEQUENCE: 18  
333 cccacagcag gtttcttgca gcagga  
336 <210> SEQ ID NO: 19  
337 <211> LENGTH: 26  
338 <212> TYPE: DNA  
339 <213> ORGANISM: artificial sequence  
341 <220> FEATURE:  
342 <223> OTHER INFORMATION: Blocking primer  
344 <220> FEATURE:  
> 345 <221> NAME/KEY: particular characteristic  
346 <222> LOCATION: (10)..(10)  
347 <223> OTHER INFORMATION: G means inosine (1) *same*  
350 <220> FEATURE:  
> 351 <221> NAME/KEY: particular characteristic  
352 <222> LOCATION: (25)..(25)  
353 <223> OTHER INFORMATION: G means inosine (1)  
356 <400> SEQUENCE: 19  
357 cccccagcag gtttcttgca gcagga  
360 <210> SEQ ID NO: 20  
361 <211> LENGTH: 33

26

26

26

*Please correct this error  
26  
in subsequent sequences,*

VERIFICATION SUMMARY  
PATENT APPLICATION: US/09/701,243

DATE: 5/2002  
TIME: 11:43:14

Input Set : A:\EP.txt

Output Set: N:\CRF4\08052002\I701243.raw

7 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:3  
5 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4  
1 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:4  
9 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5  
05 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5  
47 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:8  
65 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:9  
71 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:9  
89 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:10  
07 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:11  
49 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:14  
67 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:15  
85 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:16  
03 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:17  
21 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:18  
27 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:18  
45 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:19  
51 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:19